



September 8, 2010

California Regional Water Quality Control Board
Lahontan Region
Attention: Mr. Doug Smith
Senior Engineering Geologist
2501 Lake Tahoe Boulevard
South Lake Tahoe, CA 96150

**Re: Proposed Lahontan Basin Plan Amendments to Incorporate
the Lake Tahoe TMDL**

Dear Doug:

Thank you for the opportunity to provide written comments on proposed amendments to the Lahontan Region Water Quality Control Plan ("Basin Plan") intended to incorporate the Lake Tahoe Total Maximum Daily Load (TMDL), and changing portions of the Basin Plan to be consistent with recent scientific information. I understand that written comments and questions will precipitate a written response from Lahontan (LRWQCB) staff and I look forward to this formal response.

Those of us familiar with the process of developing the Lake Tahoe TMDL, and the research supporting it, understand that the TMDL identifies urban stormwater runoff as the largest source of fine sediment particles and phosphorous, and that the TMDL implementation plan emphasizes actions to reduce pollutant loading from urban runoff. We understand that the principle source of urban stormwater is from areas identified in the research as "urban uplands." These areas are characterized as Tahoe's "urban landscape." Accordingly, Tahoe's "urban jurisdictions" will be required to reduce their "baseline" pollutant loading to achieve TMDL standards and targets, including the 15-year interim milestone known as the "Clarity Challenge." We understand the "urban jurisdictions" to include the City of South Lake Tahoe, those portions of counties located within the Lake Tahoe Basin, and Caltrans, and the Nevada Department of Transportation for their roadway facilities in the Basin. We understand that the Nevada Department of Environmental Protection (NDEP), Lahontan's partner in TMDL Development, will be dealing directly with those urban jurisdictions located within the Nevada portion of the Basin.

Our Understanding - Questions

Based on the Tahoe TMDL analysis, the LRWQCB and NDEP assigned preliminary target pollutant reduction, or allocations, to the "urban jurisdictions." These preliminary allocations were primarily based on the use of large geographic scale models, including the Lake Tahoe Watershed Model and the Clarity Model. Later, the US Army Corps of Engineers and Placer County conducted an analysis using tools and models designed to work at a much smaller scale, with significantly different results in terms of baseline load calculations and the load available for reduction within the Placer County portion of the Tahoe watershed. Subsequently,

we understand that the preliminary pollutant load reduction targets developed and issued by Lahontan/NDEP were withdrawn. Urban jurisdictions will now be responsible to develop their own baseline analysis for estimated baseline loads and the potential for pollutant load reduction.

- Is this understanding correct?
- Do Lahontan/NDEP plan to prepare and issue at least general written guidelines for the development of these pollutant load reduction analyses so there is consistency among the studies conducted by the affected “urban jurisdictions”?
- What process will Lahontan/NDEP use to consider and approve the technical methodology used by the urban jurisdictions to estimate loads and potential load reductions?

We understand that some knowledgeable sources believe it will cost each urban jurisdiction an estimated \$100,000 to \$200,000 (or more) to develop their own baseline analysis.

- Given today’s budget constraints, do Lahontan/NDEP have any ideas or plans to assist the urban jurisdictions in securing funds for the analysis required? (e.g., grant funds)?
- Are Lahontan and/or NDEP required by state or federal law to evaluate the economic impacts on urban jurisdictions and communities for the cost of TMDL compliance?
- If so, when will this evaluation be completed?

For the record, I believe it is important to state that the funding required to meet TMDL standards and related requirements will be just one set of costs related to the overall funding required for full implementation of the Lake Tahoe Environmental Improvement Program (EIP). As you are aware, the EIP is designed to support the more comprehensive work necessary to “achieve and maintain” all of the “Environmental Threshold Standards” adopted by the Tahoe Regional Planning Agency. While it is understood that Lahontan and NDEP have their focused areas of jurisdiction and regulatory powers, it would seem prudent and appropriate for Lahontan and NDEP policy makers to consider the costs of TMDL implementation in the broader EIP context.

- In connection with this consideration, what is the Lahontan/NDEP schedule “from today to enforcement” of the TMDL standards and requirements? Do Lahontan and NDEP have the resources (staff and funding) to meet this schedule?

Thank you again for the opportunity to submit these comments for consideration and a written response.

Respectfully,

A handwritten signature in black ink, appearing to read "Steve Teshara". The signature is fluid and cursive, with a large loop at the end.

Steve Teshara, Principal
Sustainable Community Advocates

cc: Mr. Jason Kuchnicki, Nevada Department of Environmental Protection